

# Gov. Carney Seeks U.S. Supreme Court Review of Court Decision Invalidating Political Balance Requirements for DE Judges

WILMINGTON, Del. – Delaware Governor John Carney this week asked the U.S. Supreme Court to review and reverse a lower federal court decision striking down longstanding provisions of the Delaware Constitution requiring political balance on the state's courts.

*“Delaware’s judiciary has a longstanding reputation as objective, stable, and nonpartisan,” said Governor Carney. “That is largely thanks to the wisdom of those who wrote the Delaware Constitution. They understood the importance of keeping partisan politics out of Delaware’s courts, which are widely respected nationwide for their excellence and garner tremendous respect from our citizens and members of our bar. I believe it’s more important now than ever to protect Delaware’s judiciary from partisan politics, and we look forward to the U.S. Supreme Court considering our petition.”*

*The Governor of Delaware v. James R. Adams case involves the proper interpretation of earlier court rulings that concluded that lower-level government employees may not be fired on account of their politics – but carved out an exception for higher-level jobs, including policymaking roles. The Governor’s petition notes that every other court to address the issue has held that judges are policymakers who fall outside the scope of the earlier decisions.*

*Citing other U.S. Supreme Court decisions, the petition*

*stresses that the lower court ruling violates the state's sovereign Tenth Amendment right to determine the qualifications of their most important governmental officials – a right “that lies at the heart of representative government.” The petition also notes that if the lower court's decision were correct, it would cast doubt on dozens of federal and state agencies whose commissioners must, by law, be bipartisan.*

*Governor Carney is represented by Stanford Professor and former judge Michael McConnell; former Delaware Supreme Court Justice Randy Holland; Steffen Johnson and Brian Levy, all of Wilson Sonsini Goodrich & Rosati, P.C.; and by David McBride, Martin Lessner, and Pilar Kraman of Young Conaway Stargatt & Taylor, LLP.*

*A decision from the Supreme Court on whether to hear the case is expected by late this year or early 2020.*

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